

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

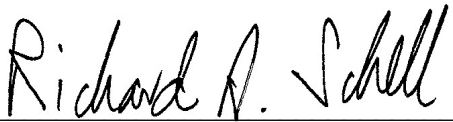
RICKY LEE PIMIENTA, #19395-078	§	
VS.	§	CIVIL ACTION NO. 4:16cv421
UNITED STATES OF AMERICA	§	CRIM. NO. 4:11CR00242-001

ORDER ADOPTING REPORT AND RECOMMENDATION
AND GRANTING § 2255 MOTION

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Kimberly C. Priest Johnson. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the court.

It is therefore **ORDERED** that Ricky Lee Pimienta's Motion to Vacate, Set Aside or Correct a Sentence pursuant to 28 U.S.C. § 2255 is **GRANTED** to the extent that the sentence imposed in Criminal Number 4:11CR00242-001 is **VACATED** and Movant shall be resentenced. All other motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this the 10th day of November, 2016.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE